

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION

DARYL KING,

Plaintiff,

vs.

LINDSEY MANAGEMENT, ET AL.,

Defendants.

*
*
*
*
*
*
*
*

No. 4:07CV01081 SWW

Order

In an Order entered on July 10, 2008, the Court dismissed plaintiff's Fair Housing Act claims against separate defendants Williams and Walker and directed plaintiff to file an amended complaint with regard to his claims that these defendants violated his civil rights. Plaintiff filed an amended complaint. Separate defendant Lindsey Management Company, Inc. ("Lindsey") moves the Court to dismiss plaintiff's amended complaint on the basis that plaintiff exceeded the scope of the Court's Order by adding claims and allegations against it. Lindsey further asserts some of the Fair Housing Act claims plaintiff raises are untimely and fail to state a violation of the Act. In response to Lindsey's motion, plaintiff filed a motion for leave to file an amended complaint in relation to all defendants. The Court denies Lindsey's motion to dismiss the amended complaint. The Court denies plaintiff's motion for leave to file a second amended complaint for failure to comply with Local Rule 5.5(e), which provides that a copy of the amended complaint must be attached to the motion to amend.¹

¹According to the Final Scheduling Order, motions to amend the pleadings must be filed by September 5, 2008.

The Court further denies plaintiff's motion for reconsideration of his motion for appointment of counsel. The Court grants Lindsey's motion to direct plaintiff to serve pleadings as required by the Federal Rules of Civil Procedure, and denies plaintiff's motion to hold separate defendant Gifford in contempt of Court. The Court again directs plaintiff and Gifford to be familiar with and comply with the Local Rules and Federal Rules of Civil Procedure. *See* docket entries 5 and 37.

IT IS THEREFORE ORDERED that Lindsey's motion to dismiss [docket entry 106] is denied; plaintiff's motion to appoint counsel [docket entry 110] is denied; Lindsey's motion for order [docket entry 114] is granted; plaintiff's motion for contempt [docket entry 116] is denied; and plaintiff's motion to amend/correct [docket entry 118] is denied

SO ORDERED this 22nd day of August 2008.

/s/Susan Webber Wright

UNITED STATES DISTRICT JUDGE